

12/13/19
56

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

COURTESY COPY

UNITED STATES OF AMERICA,

v.

S1 15 Cr. 637 (KAM)

EVAN GREEBEL,

Defendant.

IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ DEC 13 2019 ★

BROOKLYN OFFICE

STIPULATION & ORDER

WHEREAS, Defendant Evan Greebel has appealed his convictions in the United States Court of Appeals for the Second Circuit, *United States v. Greebel*, 2d Cir. No. 18-2667 (the "Appeal"), in which the Second Circuit issued a Summary Order affirming the convictions on October 30, 2019;

WHEREAS, the Court terminated the Writ of Continuing Garnishment issued to Charles Schwab & Co., Inc. on December 19, 2018, *see* Dkt. No. 706;

WHEREAS, the Clerk of the Court has issued Writs of Continuing Garnishment directed to Merrill Lynch, Pierce, Fenner & Smith, Inc. ("Merrill Lynch"), and Charles Schwab Retirement Plan Services ("Charles Schwab") on November 19 and December 19, *see* Dkt. Nos. 695, 705, and the government may move for additional writs of continuing garnishment to other potential garnishees (collectively with Merrill Lynch and Charles Schwab, "Potential Garnishees");

WHEREAS, Mr. Greebel moved the Court via a consent motion for an extension of time to, *inter alia*, file any objections to the Writ of Continuing Garnishment directed to Merrill Lynch on the ground that the government and Mr. Greebel intended to hold any garnishment proceedings in abeyance, apart from the filing by the Potential Garnishees of any responses or answers, pending resolution of Mr. Greebel's appeal, *see* Dkt. No. 699;

am

WHEREAS, the Court granted the consent motion in relevant part and extended the deadline for Mr. Greebel to file any objections to the Writ of Continuing Garnishment directed to Merrill Lynch and Merrill Lynch's response thereto (Dkt. Nos. 702, 707) to February 11, 2019, through an order entered on the docket on December 19, 2018;

WHEREAS, the government and Mr. Greebel agreed to a Stipulation & Order that the Court ordered on January 17, 2019 (the "January 2019 Order"), *see* Dkt. No. 711, that, *inter alia*, set a deadline for Mr. Greebel to respond to any of the Writs of Continuing Garnishment, either by the filing of objections and/or the request for a hearing;

WHEREAS, under the January 2019 Order, the deadline for Mr. Greebel to respond to any of the Writs of Continuing Garnishment would be December 10, 2019;

WHEREAS, Mr. Greebel is considering whether to file a petition for writ of certiorari, the initial deadline for which is January 28, 2020; and

WHEREAS, in light of these developments and others, the government and Mr. Greebel have reached the conclusion that it is preferable to extend the deadline for Mr. Greebel to respond to any of the Writs of Continuing Garnishment to avoid undue complications and to facilitate Mr. Greebel's participation in the proceedings;

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned parties that:

(1) All proceedings regarding the Writs of Continuing Garnishment directed to Merrill Lynch and Charles Schwab shall be held in abeyance.

(2) All proceedings regarding any Writs of Continuing Garnishment directed to any other Potential Garnishees shall be held in abeyance except for: (1) the filing by the Potential

Garnishees of any responses or answers; and (2) the assertion by the government of an objection or response, if any, to the Potential Garnishees' answer.

(3) The proceedings regarding any and all Writs of Continuing Garnishment shall be commenced again with the filing of objections and/or the request for a hearing by Mr. Greebel, which shall be due on February 7, 2020.

(4) Any hearing regarding any Writs of Continuing Garnishment or any order regarding the disposition of Mr. Greebel's interest in the subject of the Writs of Continuing Garnishment shall be postponed while the proceedings are held in abeyance and await consideration of any objections or requests filed by Mr. Greebel.

[Stipulation & Order continued on following page]

Dated: New York, New York
December 9, 2019

s/ Reed Brodsky

Reed Brodsky
Counsel for Defendant Evan Greebel

Dated: Brooklyn, New York
December 9, 2019

RICHARD P. DONOGHUE
United States Attorney
Eastern District of New York
Attorney for Plaintiff
271 Cadman Plaza East
Brooklyn, New York 11201

By: *s/ Thomas Price*

Thomas Price
ASSISTANT U.S. ATTORNEY
718-254-6360
thomas.price@usdoj.gov
Attorneys for the United States

IT IS SO ORDERED.

Date: Dec. 11, 2019

/s/ USDJ KIYO A. MATSUMOTO

HON. KIYO A. MATSUMOTO
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I, Reed Brodsky, hereby certify that a true and correct copy of the foregoing document was filed via the Court's ECF system and will be electronically served on all counsel of record.

Dated: December 9, 2019

s/ Reed Brodsky

Reed Brodsky